

**Newfields Planning Board**  
**11/20/08**

**Attendance: Bill Meserve, Michael Price, James Daley, John Hayden, Mark Bouzianis, Michael Woodworth and Clay Mitchell.**

**Tremblay / Poole / Seacoast Tree Service** - described the letter from Richard Bond saying the issue of wetlands was not a concern. The applicant stated she called the shoreland office and is sending a letter with a plan showing what is being done to insure that compliance with the CSPA is completed.

Photographs were distributed to the Board and Ms. Poole described that a small area of stones were going to put out to expand the parking area for the tree service. The letter was read about the wetlands soils. The plan was described showing where the drop off is located. The application was shown to the Board showing they were seeking the approval.

The question of the tree service was raised and the building was for storage and use for his office and business. Seacoast Tree Service is the tenant. The sink has to be removed as it just drains to the ground. Hayden asked about the nature of the use – parking of trucks, is that all or will there be trees logs or wood on the property. The Board asked to have a specific list of what will be occurring on the property. Machinery will be stored on the site and the extent of the use is storage and parking. Fuel for vehicles on the property was on site.

Board wants update on Conservation Shoreland Protection Act. Status of the plumbing should be resolved. Jeff Buxton has no problem with the building – the use is essentially a garage. A couple of minor code issues need to be dealt with in order to bring the site up to compliance. J. Buxton has not looked at the code compliance concerns. R. Buxton described the building as a storage building. Planner was directed to contact a fill in building inspector to inspect the building.

**Color All** – The planner summarized the status of the process. The fire inspection took place on Monday night. The fire chief described several issues with the space itself and the issues within the building including the nature of the walls and ceilings. Strong odors of paint and solvents were present on the site. Open flame propane heater hanging from ceiling. Exit was partially blocked. So many violations in the use it would take too long to do. J. Buxton's recommendation is to close the place down. There are no respirators and no compliance. Poole and Tremblay said he had no issues with shutting down the facility if it is not in compliance.

The Planning Board votes that the site is not in compliance and that enforcement is recommended and that the fire chief should do what is needed to be done to correct the situation. R. Buxton warned that a new permit will be needed to discharge into the sewer system.

Motion by Bouzianis Hayden Seconded - Based on testimony of Fire Chief and landowners to find the Color All site out of compliance and that the Board of Selectmen should initiate enforcement with all due speed and that the fire chief should enforce with the assistance as needed of the State Fire Marshall with respect to all life safety codes.

Vote – Unanimous in favor.

Vienneau's – Battles brought updates to the Board on the Fish and Game and the Conservation Commission. The development went from 12 lots to 10 lots. Lot eliminated from inside the cul-de-sac and then removed lot from the east side of the road. Fish and Game and DES is working with Steve Shope on the wetlands and habitat issues. Dan Balfour of Jones and Beach will present engineering changes. Chair Meserve asked for a review of the lot density issue based on the language in the ordinance. Balfour reviewed the calculations of the lot sizes using the June plan. Balfour described 41 acres and large wetlands on northern side. There is a complex from the south to the north. Reviewed the zoning density calculation areas.

Reviewed the table on the plan and the calculation status of what wetlands and what uplands were included. The Chair was concerned about the assumptions that were utilized to determine the calculations of the lot size. So the request was made to recalculate the density and show how the lot number was reached.

The Chair was also concerned about the lot on the entrance neck because the road was granted a waiver to approach the lot and then the area created was filled with a house. What about pull the road out of the buffer. What about the recreation area per lot as found in the ordinance? The well radius was overlapping. Balfour raised the issue of the well radius and 40-foot of road frontage. The Board stated it was a difficult property to develop. Battles reviewed the Conservation Commission meeting which took place on Monday night. Meserve felt the entrance buffer impact appeared reasonable but the final buffer impact at the end was still concerning since it appears that the road can be removed. Balfour stated you can't take the road out of the buffer with out losing two lots. Meserve stated that economic issues were not to drive the decision about whether to protect the wetlands.

Steve Shope reviewed the letter of Watts and the general comments of the Conservation Commission. The culverts were oversized to accommodate these comments. The entire roadway has been reduced to lower impacts. The buffer impacts have been reduced. Meserve asked about having the road in the buffer. Steve stated that with correct engineering it will not have runoff in the wetland. Steve stated that it was also better to have the road removed but this was a balanced approach to the development. The road along the east side was all grass and subject to a gate and limited access.

The turn-around issue was raised and the road in the buffer was raised again by Meserve. Mrs Vienneu has asked that the density calculation is ok and the applicant wants to know the issue. Meserve stated that moving the road out of the buffer. If you lose lots that is not the issue since the ordinance states that the economic concern is not the matter alone.

Battles asked if the issue of the density calculation is presented showing the lot numbers. Battles asked about the engineering of the plans.

Fundamental issue is the density calculation. Need to know what land is counted in calculation and how many lots are justified. Two members are concerned about the lots forcing the road into the buffer. Meserve would support the longer cul-de-sac and roadway out of the buffer. Bouzianis asked about whether more pavement, out of the buffer, is actually better for the environment. Price stated that not all land is developable. Vienneau stated that but we can use it for something. Price stated that not all land is fully developable. Applicant has stated that the issue of the impact with the buffer is related to the roadway. The issue of the vernal pools was raised and Steve described that there were no vernal pools were present on the site in the development area.

Buffer and lot density calculation. J Buxton does not have a safety concern. He does not really see an issue with making it a full roadway versus the grass strip and gates. Battles asked the Board about interest in the grass strip and concerns regarding gates and some concerns about that. Maintenance with the porous pavement is a concern but not the best option. The Fire Chief did not have a concern about the ability to get around the roadway.

Motion to continue Price to December 18<sup>th</sup> Meeting Meserve second – unanimous.

Kingston – Potential age-restricted use was presented with some zoning. 12 units per acre was discussed in terms of the density. The Planner was directed to draft an ordinance that permitted this use in the zone and limit offensive uses in the zone to permit the use in the zone. The Planner was directed to require the units limited and required services. The idea was favorably received by the Planning Board and that a zoning change would be presented to the voters for consideration at the Town Meeting 2009.

Public hearings will be held.

The Capital Improvement Program was reviewed and updates were reviewed. Hayden moved and Price seconded the adoption. The motion was unanimous and the document was signed.

The Board reviewed SB 342 for compliance and questioned whether they needed to change the ordinance to allow for more opportunity. The planner was directed to research the issue and get back to the Board.

The Board addressed the minutes of the October meeting. Questions were reviewed about the post office portion of the discussion. Hayden stated that the building was town owned “but no longer a post office.”

Motion Bouzianis Seconded Hayden – unanimous.

Meserve asked about someone to represent the Town of Newfields – no one rose to the

occasion but everyone wants info and will go as needed.

Wind Ordinance – Tweek the model and prepare for December and notice for public hearing.

Question for wind resolution to the Town voters whether the town was a part owner of the system.

Motion to adjourn –